S.B.CIVIL MISC. CONTEMPT PETITION NO.20/2006

Narainlal.

vs.

Kalulal & Ors.

DATE OF ORDER ::: 18.10.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. A Samdaria, for the petitioner.

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Heard learned counsel for the petitioner.

This Court has passed the order to maintain status quo with respect to the property in dispute.

According to learned counsel for the petitioner, the respondents tried to raise construction and when the petitioner objected, they did not raise any construction. However, according to learned counsel for the petitioner, the respondent may raise construction at any time as construction material is lying on the spot.

The position has not been changed by the respondent on the spot, therefore, no contempt is made out. Preparation for raising construction cannot amount to disobedience of the order.

In case, the order is violated, the petitioner will be

free to approach this Court but not only on apprehension that the contemner may commit contempt.

In view of the above, this contempt petition, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya